

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AURELIO MURILLO and JAZMINE MURILLO
Plaintiffs

v.

GREAT WOLF RESORTS, INC.
Defendant

2:2008cv03933

HONORABLE GENE E. K. PRATTER

**MOTION TO RE-INSTATE THE ABOVE STATED CASE BASED ON
FRAUD AND HEARING REQUESTED**

Honorable Judge Gene E. K. Pratter,

On this 21st day of July, 2010, I, Robert F. Sciarrone, a Pro-Se litigant, on behalf of Aurelio and Jazmine Murillo, respectfully request that Your Honor re-instate the above case that was dismissed with prejudice on stipulation by the court on, or about January 13th, 2009 and request a Court Appointed (Pro Bono) Attorney to represent the Plaintiffs.

The History of this case and the Fraud that was perpetrated by Console & Hollawell is as follows:

- 1) This case was initiated in Federal Court on August 18th, 2008.
- 2) Aurelio and Jazmine Murillo at all times before late May or early June of 2010 were under the impression that this case was in the Federal Court system and not the PA Court system. They would never had agreed to a PA State Case and moreover in the same County the Defendant operates their business.
- 3) There was never any agreement or settlement between the parties as Console & Hollawell stated in Federal filings and the Dismissal with Prejudice from the Federal Court pursuant to the stipulation that the matter was settled.
- 4) On December 15, 2008, Console & Hollawell filed the same claim in the Commonwealth of Pennsylvania, Philadelphia County under "Docket Entry E-Filing number 0866820" while this same case was pending in the Federal Court system and presently Monroe County, PA docket number 6801-CIVIL-2009.
- 5) On June 5th, 2009, this case in Philadelphia County was transferred to Monroe County, PA in the same venue as where the Defendant operates the business, employs many people in the area and is politically connected to the Officials in Monroe County with respect to charitable contributions, elections, voting and so forth.
- 6) Console & Hollawell never contacted Aurelio and Jazmine Murillo that the case was removed from Federal Court.
- 7) Depositions were taken from five (5) Great Wolf Employees on March 17th, 2010. Aurelio Murillo requested a copy of the Depositions on or about June 2nd, 2010

- 8) In a letter dated June 9th, 2010, Attorney Console mentions that he spoke with Aurelio Murillo's brother Edward Murillo. It was the concern of Edward Murillo about the Federal status of this case.
- 9) In the same letter, Attorney Console explained the "procedural history" of the case which is fraudulent in that Console states in paragraph 2:

"One of the issues your brother raised involved the federal court docket in your case. Allow me to explain the procedural history in this regard: your case was filed by this office in Philadelphia County, as we believe that is the most lucrative venue for a case such as yours. The defendant sought to have the case moved to United States Federal Court which my office opposed. The reason the defendant attempted to move your case from the Philadelphia County state court to federal court instead was because it believed that federal court is a less friendly venue for injured plaintiffs, which is the reason we opposed it. Any time a defendant tries to remove the case to federal court, it is given a separate docket number for tracking purposes. When we successfully defeated the defendant's attempt to have the case moved, a stipulation was filed that allows the court to remove the case from it's docket. It does not indicate a settlement agreement between the parties."

- 10) This case was initiated in Federal Court on August 18th, 2008 and initiated in State Court on December 15th, 2008 having both a Federal and state claim at the same time.
- 11) The Defendant did not have the case removed to Federal Court as Attorney Console stated and the case was not filed first in State Court.
- 12) Attorney Console has been on Administrative Suspension from the PA Bar since September 24th, 2009 to the present day.
- 13) After an extensive review of the case, Aurelio Murillo mailed a letter to Console and Hollawell on June 23rd, 2010 informing them that their services were terminated.
- 14) Console & Hollawell continue to file papers in State Court without Authorization.
- 15) I called Suspended Attorney Console to ask why he was continuing his filings after his services were terminated. He started yelling at me calling me the "nutcase from Scranton" (I live in Mount Pocono) and he also yelled calling me a F*cking Faggot.

Furthermore, after Aurelio and Jazmine Murillo after viewing my website about the corruption in Monroe County and unlawful orders from the Judges up to the President Judge of Monroe County, the Superior Court, the Judicial Conduct Board, coupled with the corruption in the Monroe County District Attorney's Office and the Pocono Mountain Regional Police Department, and the cover up of an Attorney that perjured himself in a court hearing and a Judge that covered it up, started investigating the case history of their present case. Aurelio and Jazmine Murillo contacted me and asked me to investigate their case also. I was glad to help and they know I am not an Attorney and just a Judicial Watchdog. It is with great sorrow that I state the Judges in Monroe County are not Honorable. They violate the rules, their oaths and there is no recourse in PA whatsoever up to the Governor's Office as well as the State Attorney General's Office.

Finally, since the Attorney for the Plaintiff committed the fraud in Federal Court and deceived the Honorable Federal Judge Pratter into believing the case was settled when it was not and for deceiving the Plaintiffs of Honest Services, this case should be re-instated in Federal Court and the State Court action should be deemed null and void for the dual filing of this case and the Federal Case which preceded the State case.

Whereas; on behalf of Aurelio and Jazmine Murillo, I, Robert F. Sciarrone, respectfully request:

- 1) Schedule an expedited hearing for the Plaintiffs to introduce documented evidence of the fraud;

- 2) That this case be re-instated in Federal Court where it belongs. The Federal question of diversity jurisdiction applies;
- 3) That Console & Hollawell be sanctioned financially as well as their license to practice law be revoked for filing court papers after being terminated as well as denying a client of Honest Services and for perjury to a Federal Judge;
- 4) The State Claim is ordered null and void based on the fraud committed.
- 5) Any and all other remedies that Honorable Judge Pratter deems just and proper for the Fair Administration of Justice.

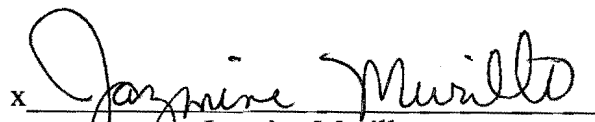
Respectfully Submitted,



Robert F. Sciarrone

On behalf of Aurelio and Jazmine Murillo

x 
Aurelio Murillo

x 
Jazmine Murillo

Robert F. Sciarrone
Pro-Se Litigant
112 Pocono Blvd. Apt 14
Mount Pocono, PA. 18344
(570) 216-6926

Certificate of Service

It is certified that a copy of the Motion for re-instatement of the Federal Case and Hearing request will be sent to the following via certified mail.

Marshall, Dennehey, Warner, Coleman, & Goggin
ATTN: Alicia Caridi Schweyer
50 Glenmaura National Boulevard
Moosic PA 18507-2101

Judge Miller
Monroe County Courthouse
Stroudsburg, PA. 18360

Console & Hollawell
ATTN: Richard P. Console, Jr.
1288 Route 73 South
Suite 300
Mount Laurel, NJ. 08054

I, Robert F. Sciarrone, do hereby certify that this motion and all statements contained within are true and correct. I also understand the penalty for perjury.

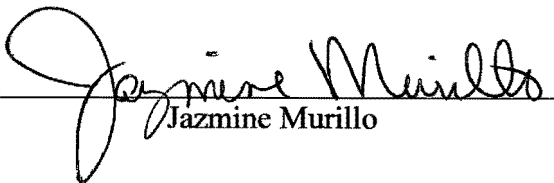
Respectfully Submitted,



Robert F. Sciarrone

On behalf of Aurelio and Jazmine Murillo

x 
Aurelio Murillo

x 
Jazmine Murillo

Robert F. Sciarrone
Pro-Se Litigant
112 Pocono Blvd. Apt 14
Mount Pocono, PA. 18344
(570) 216-6926